

ENTERED

Stacy L. C. Janice
United States Bankruptcy Judge

[illegible]

¹ The last four digits of the Debtor's taxpayer identification number are (6725). The headquarters and service address for the above-captioned Debtor is 300 Crescent Court, Suite 700, Dallas, TX 75201.

Having considered the *Stipulation and Proposed Scheduling Order* [Adv. Docket No. 9] (the “Stipulation”),² a copy of which is attached hereto as **Exhibit A**, filed by Highland Capital Management, L.P. (the “Debtor”) and Patrick Hagaman Daugherty (“Daugherty”, and together with the Debtor, the “Parties”), **IT IS HEREBY ORDERED THAT:**

1. The Stipulation is **APPROVED**.
2. The Stipulation shall become effective immediately upon entry of this Order.
3. In lieu of the pre-trial schedule set forth in the Court’s Alternative Scheduling Order, all pre-trial matters in this Adversary Proceeding shall be governed by the following schedule (the “Pre-Trial Schedule”) agreed to by the Parties:

<i>Pre-Trial Schedule</i>	
<u>Event</u>	<u>Deadline</u>
1. Deadline to Answer or Otherwise Respond to Complaint	December 1, 2020
2. Service of Written Discovery Requests	December 31, 2020
3. Service of Written Responses to Discovery	February 22, 2021
4. Completion of Fact Discovery	March 22, 2021
5. Completion of Expert Discovery	April 19, 2021
6. Dispositive Motions	April 19, 2021
7. Exhibit and Witness Lists	May 19, 2021
8. Joint Pretrial Order	May 28, 2021
9. Proposed Findings of Fact and Conclusions of Law	May 28, 2021
10. Trial Docket Call	June 14, 2021 at 1:30 p.m. (CT)

4. The foregoing Pre-Trial Schedule shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

² Capitalized terms not otherwise defined herein have the meanings ascribed to them in the Stipulation.

5. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Stipulation.

###End of Order###

EXHIBIT A

PACHULSKI STANG ZIEHL & JONES LLP
 Jeffrey N. Pomerantz (CA Bar No. 143717) (*admitted pro hac vice*)
 Ira D. Kharasch (CA Bar No. 109084) (*admitted pro hac vice*)
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Counsel for the Debtor and Debtor-in-Possession

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:	§	
	§	Chapter 11
HIGHLAND CAPITAL MANAGEMENT, L.P., ¹	§	
	§	Case No. 19-34054-sgj11
Debtor.	§	
	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
Plaintiff,	§	
	§	Adversary No. 20-03107-sgj
v.	§	
	§	
PATRICK HAGAMAN DAUGHERTY,	§	
	§	
Defendant.	§	
	§	

¹ The last four digits of the Debtor's taxpayer identification number are (6725). The headquarters and service address for the above-captioned Debtor is 300 Crescent Court, Suite 700, Dallas, TX 75201.

STIPULATION AND PROPOSED SCHEDULING ORDER

This stipulation (the “Stipulation”) is made and entered into by and between Highland Capital Management, L.P., as debtor-in-possession (the “Debtor”), and Patrick Hagaman Daugherty (“Daugherty” and together with the Debtor, the “Parties”), by and through their respective undersigned counsel.

RECITALS

WHEREAS, on October 16, 2019 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the Bankruptcy Court for the District of Delaware, Case No. 19-12239 (CSS) (the “Delaware Court”);

WHEREAS, on December 4, 2019, the Delaware Court entered an order transferring venue of the Debtor’s bankruptcy case (the “Bankruptcy Case”) to this Court [Docket No. 186];²

WHEREAS, on March 2, 2020, the Court entered its *Order (I) Establishing Bar Dates for Filing Claims and (II) Approving the Form and Manner of Notice Thereof* [Docket No. 488] (the “Bar Date Order”),³ which, among other things, established April 8, 2020 at 5:00 p.m. Central Time (the “General Bar Date”), as the deadline for all entities holding claims against the Debtor that arose before the Petition Date to file proofs of claim;

WHEREAS, on April 6, 2020, Daugherty filed a general unsecured proof of claim in the amount of “[a]t least \$37,483,876.62”, which the Debtor’s claims agent denoted as claim number 77 (“Claim No. 77”);

² All docket numbers refer to the dockets maintained by this Court for the Bankruptcy Case and the above-captioned adversary proceeding (the “Adversary Proceeding”).

³ Capitalized terms used but not otherwise defined herein shall have the respective meanings ascribed to them in the Bar Date Order.

WHEREAS, on August 31, 2020, the Debtor filed the *Debtor's (I) Objection to Claim No. 77 of Patrick Hagan Daugherty and (II) Complaint to Subordinate Claim of Patrick Hagan Daugherty* [Adv. Docket No. 1] (the "Complaint");

WHEREAS, on September 1, 2020, the Court issued its *Order Regarding Adversary Proceedings Trial Setting and Alternative Scheduling Order* [Adv. Docket No. 3] (the "Alternative Scheduling Order");

WHEREAS, the Parties have conferred and desire to enter into a mutually agreeable proposed schedule and address related matters, all as specifically set forth below.

NOW, THEREFORE, it is hereby stipulated and agreed, and upon approval of this Stipulation by the Court, it shall be SO ORDERED:

1. The Parties agree to the following schedule (the "Proposed Joint Scheduling Order") in lieu of that provided in the Alternative Scheduling Order:

<i>Proposed Joint Scheduling Order</i>	
<u>Event</u>	<u>Deadline</u>
1. Deadline to Answer or Otherwise Respond to Complaint	December 1, 2020
2. Service of Written Discovery Requests	December 31, 2020
3. Service of Written Responses to Discovery	February 22, 2021
4. Completion of Fact Discovery	March 22, 2021
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7. Exhibit and Witness Lists	May 19, 2021
8. Joint Pretrial Order	May 28, 2021
9. Proposed Findings of Fact and Conclusions of Law	May 28, 2021
10. Trial Docket Call	June 14, 2021 at 1:30 p.m. (CT)

2. If approved by the Court, the Proposed Joint Scheduling Order shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

3. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Stipulation.

[Remainder of Page Intentionally Blank]

Dated: October 15, 2020.

PACHULSKI STANG ZIEHL & JONES LLP

Jeffrey N. Pomerantz (CA Bar No.143717)

(admitted pro hac vice)

Ira D. Kharasch (CA Bar No. 109084)

(admitted pro hac vice)

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Counsel for Patrick Hagaman Daugherty

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on October 15, 2020, true and correct copies of the foregoing document were served on the parties listed below via electronic service at the e-mail addresses listed.

/s/ Zachery Z. Annable
Zachery Z. Annable, Esq.

Counsel for Patrick Hagaman Daugherty:	
-----------------------------------------------	--

Mr. Jason Kathman Pronske & Kathman, P.C. 2701 Dallas Parkway, Suite 590 Plano, Texas 75093 jkathman@pronskepc.com	
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(via electronic service)	
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United States Bankruptcy Court
Northern District of Texas

Highland Capital Management, L.P.,
Plaintiff
Daugherty,
Defendant

Adv. Proc. No. 20-03107-sgj

CERTIFICATE OF NOTICE

District/off: 0539-3

User: mmathews

Page 1 of 2

Date Rcvd: Oct 16, 2020

Form ID: pdf001

Total Noticed: 5

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 18, 2020:

Recip ID	Recipient Name and Address
ust	+ Cheryl Wilcoxson, US Trustee, 1100 Commerce St., Ste. 976, Dallas, TX 75242-0996
dft	+ Patrick Daugherty, 3621 Cornell Avenue, Suite 830, Dallas, TX 75205-2818

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+ Email/Text: ustpreion06.ty.ecf@usdoj.gov	Oct 16 2020 22:27:00	US Trustee, Office of the U.S. Trustee, 110 N. College Ave., Suite 300, Tyler, TX 75702-7231
ust	+ Email/Text: ustpreion07.hu.ecf@usdoj.gov	Oct 16 2020 22:27:00	US Trustee, Office of the US Trustee, 515 Rusk Ave, Ste 3516, Houston, TX 77002-2604
ust	+ Email/Text: ustpreion06.da.ecf@usdoj.gov	Oct 16 2020 22:27:00	United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996

TOTAL: 3

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
ust		Sandra Nixon, U.S. Trustee
ust		mario zavalala
ust	*+	US Trustee, Office of the U.S. Trustee, 110 N. College Ave., Suite 300, Tyler, TX 75702-7231

TOTAL: 2 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 18, 2020

Signature: /s/Joseph Speetjens

District/off: 0539-3

User: mmathews

Page 2 of 2

Date Rcvd: Oct 16, 2020

Form ID: pdf001

Total Noticed: 5

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 16, 2020 at the address(es) listed below:

Name

Email Address

Jason Patrick Kathman

on behalf of Defendant Patrick Daugherty jkathman@pronskepc.com
gpronske@pronskepc.com;lvargas@pronskepc.com;admin@pronskepc.com;mclontz@pronskepc.com

Zachery Z. Annable

on behalf of Plaintiff Highland Capital Management L.P. zannable@haywardfirm.com

TOTAL: 2